N° 26/133

**International Court of Justice**

KIAN HHG
v/
UNITED NATIONS DEPARTMENT OF POLITICAL AFFAIRS

**DECISION**
FINAL JUDGMENT

**President**: ST HELIER, President
**Curiam**: CHARLES, KHALED, KYOLAC, MAJU, ST HELIER (*Constituted under the Addendum to the Rules of the 9th of June 2026*)
**Registrar**: Matthew E. WRIGHTSON

**The Hague, 11th of June 2026**

## THE COURT:

1. By an application enrolled at the Registry of the Court on the 22nd of May 2026, Mr Kian prays that the Court annul the decision, revealed on the 19th of May, by which the Department of Political Affairs removed the applicant from his employment within the Department.

2. The applicant argues that:

    a. the decision is defective insofar as the Department failed to give any substantive reasons for its decision, failed to issue a formal written decision, and failed to afford the applicant an opportunity to make representations in respect of his removal;

    b. the Department erred in law in treating the removal decision as an act not amenable to judicial review;

    c. the Department erred in qualifying the applicant's testimony and related activities as "something to do with being dodgy in a court" constitutive of disciplinable misconduct;

    d. the decision was animated by an improper purpose, namely that it was taken as retaliation for his involvement in "testimony and court-related discussions" in respect of litigation involving the Department.

3. The Department demurred as to the jurisdiction of this Court. The Court ordered a response on the merits from the Department of Political Affairs on or before eight o'clock in the morning (UTC+1) on the 10th of June 2026.

4. An incident to the jurisdiction of the Court is its inherent authority of the Court, to conduct the good administration of cases before it. In particular, where the Court is satisfied on the basis of the record, that it is not necessary to conduct an oral hearing before entering

Stable URL: https://archive.org/details/icj-26133-11062026

judgment on the papers. In the circumstances of this proceeding, where the defending party has, notwithstanding an order of the Court, declined to present a defence beyond its demurrer as to jurisdiction, and in light of the character of administrative proceedings before this Court, which are principally written and supplementarily oral, it is appropriate to render judgment on the papers alone.

5. The jurisdiction of this Court in contentious administrative cases involving organs of the United Nations is one of public order which may be neither diminished nor extended by convention or favour of the parties; according to the Charter of the United Nations, the organisation is established: « *[w]ith the intention to build an ever better, ever stronger and ever more developed international community … to provide a structure for international relations.* ». Article 1 of the Charter provides: « *The established, principal organs of the United Nations shall be … an International Court of Justice and a Secretariat.* ». Article 77 of the Charter provides: « *The states parties to the present Statute declare that they recognize as compulsory ipso facto and without special agreement, in relation to any other state accepting the same obligation, the jurisdiction of the Court in all legal disputes [relating to questions of international law]*. », according to Article 3.5.B of the United Nations Conflict Guidelines adopted in November 2025 ("the November 2025 Resolution"), « *The International Court of Justice shall reserve the right to review UNDPA decisions and the application of proper procedures during conflicts. / Member-states may …* ». These provisions, which in any event far exceed the voluntary jurisdiction of the real-life International Court of Justice, are the unmistakable illustration of a principle of public order, antecedent to and consequently not dependent upon, the said enumerations, of legality and good and fair administration rationally ordered to the common good within an ordered system of liberty, peace, and justice which constitutes an inherent limit on the exercise of public authority by its own nature, such that a party may not, whether by unilateral act or express agreement, or convergence in their positions, induce the pretermission of nor derogate from the Court's office. Where the texture and general economy of the Charter may only be read so as to impose, *erga omnes*, the empire of law under the colour of the Organisation upon its sovereign member states with a view to procuring the higher fruits of justice, the same Charter must also be read so as to contemplate the insurance of such goods with respect to the institution of the Organisation itself, which is structurally indivisible from its constitution, on its level and in its scale, as a juridical order the fount of whose authority inherently and necessarily reposes in its function of advancing, judiciously and equitably, the common interest of the United Nations community. Furthermore, and in any event, Article 3.5.B of the November 2025 Resolution, which provides that this Court « *shall reserve the right* » to exercise jurisdiction, must be interpreted, independently of the subsequent paragraphs applicable to the seisin of the Court by states, as recognising the structural jurisdiction of the Court to hear and determine applications presented by individual parties against administrative acts of organs of the United Nations. It results from these principles that the application, which is directed against an administrative decision of a United Nations organ, must be regarded as attempting to invoke the jurisdiction *ratione materiae* of this Court.

6. In light of the objective nature of this Court's jurisdiction of review of administrative acts, it belongs to the Court to form its own opinion on the points in dispute in light of the exhibits, pleadings, and other articles adduced onto the record. While the objective nature of this Court's review is such that the Court may not foist upon any party the solitary charge of the proof in cases submitted to the Court, this principle does not prevent the Court from drawing

Stable URL: https://archive.org/details/icj-26133-11062026

reasonable inferences, as part of its holistic evaluation of the evidence before it, from a party's declination to contest, in whole or in part, the factual allegations of the opposing party. Furthermore, the Court must give due consideration, in forming its conviction as to a point in dispute, to the nature thereof, and consider it in light of the extent to which it is readily apparent that one party alone is specially able to prove or refute it. These principles, which apply not only to the applicant, but, in appreciation of the finality of the review jurisdiction of the Court, which is to render justice and preserve administrative legality, which is maintained not for the benefit merely of the direct parties but the inherent collective interest, reciprocally entail that, where the defending administrative authority is in default of its reply notwithstanding an express order of the Court, the Court may, particularly where it is alleged a plausible claim in respect of an administrative authority's internal, or putatively concealed, proceedings, information, or animus, defective disclosure, or of a defect in conducting a sincere and appropriate consideration of the circumstances of the parties to an administrative claim or proceeding, such that the authority is especially and readily placed, to the exclusion of the Court and any external party, to refute the alleged diriment, deduce that the public authority must be understood, in the absence of any other justification, as acquiescing in the material exactitude of the discrete, well-pleaded, and plausible facts advanced by the applicant.

7. Where the Court, in exercise of its review jurisdiction, is led to annul an administrative act upon an application advancing two or more grounds, other than those of fraud, which necessarily implicate a finding indivisible from an independent legal framework, notably criminal, or which allege an improper purpose detached from any plausible consideration of public interest, which are equally capable of justifying the annulment, the Court must proritise entry of its judgment in a manner which is best poised to render justice in view of the entirety of the circumstances, such that it will ordinarily, and subject to the Court's reasonable reconciliation of the economy of proceedings both before the Court and in subsequent administrative action with the materials, and state of percolation, before the Court in respect of each ground, and without prejudice to its power, where the interests of justice so require, to determine two or more thereof, enter judgment on the ground or grounds which are most likely to definitively resolve the litigation at bar and confer complete and just satisfaction in the posture of the litigation, especially where one or more of those grounds, in contrast to other grounds, is likely to give rise to the grant of the ancillary relief prayed or foreclose evitable subsequent proceedings.

8. It results from the allegations advanced by the applicant, which are not contradicted by the defendant authority, that he was employed in the service of the Department of Political Affairs until on or around the 19th of May 2026, at which point he discovered that he had been removed from the electronic communications and case management systems of the Department, subsequent to which he undertook to make contact with an unspecified official of the Department who communicated to the applicant that he was removed as part of « updating » or « reforming » the Department. The application alleges that the applicant « later received information indicating that the removal may instead have been connected to his court testimony or conduct in the related proceedings, » and that « public discussion also referred to the matter as 'something to do with being dodgy in a court.' ».

9. As a liminary matter, it is not seriously contestable that the removal of an employee constitutes a decision of a permanent character which, when undertaken by an administrative authority, necessarily constitutes an administrative act in respect of which this Court's

Stable URL: https://archive.org/details/icj-26133-11062026

jurisdiction of review may be invoked. The Court additionally notes that, in the absence of, or beyond, specific requirements of law, the Department of Political Affairs enjoys a wide margin of appreciation in managing its personnel, subject notably to the structural constraints of the finalities of the public service with which it is vested, specifically, that the Department must manage its personnel in a rational manner amenable to justice and the inherent dignity of man. This principle requires, in particular, the Department to not only undertake personnel decisions, including recruitment, on the basis of a person's relevant qualities, to the exclusion of improper and irrelevant considerations, but also, in respect of its existing employees, to act towards them in good faith and due respect for their service. It follows that, while the Department may, with reasons, after, except in cases of grave urgency, appropriate notice and hearing, and, except in respect of misconduct, whether taken individually or as part of a pattern, of a particularly grave and patent character, or an incompatibility or incapacity that is manifestly incurable, a reasonable opportunity to cure such defects, involuntarily remove or relieve an employee on account of their misconduct, their disqualification or, where it does not result from the undignified, arbitrary, or unreasonable conduct or conditions created or imposed by the employer, their incapacity, or as part of restructuring in light of the needs of the service, the Department must, where it makes such an individual decision as a component of a general policy of restructuring, reduction in force, or reform, first determine a general policy communicated to all of the affected employees, including where applicable those maintained in their position, outlining the intentions of employing authority, as well as a reasonable methodology for identifying the personnel actions to be undertaken in respect of each individual employee which is tailored and proportionate to the policy pursued. Lastly, the Court notes that while it results from these principles that a person subjected to an unfavourable personnel decision, including a decision which does not deny or rescind rights, but which, for any other cause, may be reasonably understood by either its author or its recipient as materially unfavourable, is entitled to learn, except where the decision disposes of a manifestly abusive or frivolous request, of the reasons for the decision, in the case of a decision denying an affirmatively favourable decision, including notably decisions of appointment or recruitment, or conferring advancement in grade, which, in view of the circumstances including notably the manner in which the application or request was presented and the interested party's profile, the interested party had a materially realistic chance of hoping to obtain, at least within a reasonable period of time, upon the prayer of the interested party, and, in relation to other decisions, especially those in the nature of a sanction or an otherwise affirmatively adverse decision, spontaneously together with the decision, or, where the exceptional circumstances so require, as soon as possible thereafter, this requirement is met, in respect of an individual decision taken in application of a general policy of reform or restructuring, by appropriately informing the interested party of the policy applied and of the criteria established for its implementation, provided that the information contained therein, where applicable in conjunction with information which a person may reasonably readily be expected to know about themselves, permits the interested person to determine autonomously and with reasonable convenience and certainty the reasons having animated the personnel decision in question.

10. It results from that articles and exhibits of the record, including, in particular those elements recalled in point 8, that the Department of Political Affairs removed the applicant without any spontaneous explanation, and that, in any event, in the absence of any justification elicited by the defendant, none of the justifications proffered onto the record, whether attributed by the applicant directly to the Department or to unsubstantiated and imprecise hypotheses

Stable URL: https://archive.org/details/icj-26133-11062026

formulated by unidentified persons as to the *animus* of the impugned decisions, support nor allege the existence of an alleged disciplinary violation, the applicant's incapacity or disqualification with respect to any quality required by the position occupied, or the implementation of a discrete personnel reform plan, such that the impugned decision may only be treated as having been made in the absence of any cognisable legal basis.

11. It results from that which precedes that, without needing to consider the other grounds of the application, the impugned decision revealed by the effective removal of the applicant from the access required to conduct his duties must be annulled.

12. The present judgment, in light of the nature of the decision challenged, and which inherently implicates the reintegration of the applicant into the Department, without prejudice to its power to conduct such further personnel actions as may be amenable to law, does not require the prescription of injunctive relief.

**ORDERS:**

1. Application nº 26133 is **allowed**.

2. The decision, revealed on the 19th of May 2026 by the removal of access to the Department's electronic communications and case management system, removing and terminating the service of the applicant is **annulled**.

The Hague, 11 June 2026

Stable URL: https://archive.org/details/icj-26133-11062026

Per curiam :

President

Registrar

Stable URL: https://archive.org/details/icj-26133-11062026